

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
August 4, 2025**

Chairman Ben Cabrera called the meeting to order at 8:00 P.M.

OPEN PUBLIC MEETING STATEMENT

In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates are confirmed at the Annual Meeting. Notice of this meeting was provided to the Record, Star Ledger, and Cablevision, posted on a municipal public notice bulletin board and published on the borough website.

Any board member having a conflict of interest involving any matter to come before the board this evening is reminded they must recuse themselves from participating in any discussion on this matter.

PLEDGE OF ALLEGIANCE

Led by Board member Smith.

ROLL CALL

Present: John Smith, Jose Morel, Jason Bergman, Ben Cabrera, Oriole Familia, and Richard Morf

Also Present: Gloria Oh, Zoning Board Attorney, Jacqueline Dirmann, Engineer from T&M Associates, Councilman Lodato, Council Liaison, and Hilda Tavitian, Zoning Board Clerk

Absent: Amnon Wenger (excused) and Yitz Novak (excused)

INTRODUCTORY STATEMENT

Welcome to the Zoning Board of Adjustment. Let me briefly explain what we do. We are appointed by the Bergenfield Council to decide when a property owner should get relief from the strict application of the zoning regulations that are set forth in Bergenfield's zoning ordinance. Typically, we hear two types of variances. The first is whether an applicant can vary from land use restrictions including rules on sideline distance, height, and lot coverage. That is commonly called a bulk variance. The second type of variance is a use variance, where an applicant wants to use the property for a purpose not permitted under the zoning ordinance in that zone.

In these cases, the applicant has the burden of meeting certain criteria set forth in the Municipal Land Use Law, which is available online. We carefully listen to the testimony, including objectors, and review all relevant documents. If a majority of the Board concludes that the applicant has satisfied those criteria for a bulk variance, we must grant the requested variance. Approval of a use variance requires five affirmative votes.

APPROVE MINUTES OF PREVIOUS MEETING – July 14, 2025

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

CORRESPONDENCE

None.

PUBLIC COMMENT

Comments by members of audience on matters not on evening's agenda

Chairman Cabrera stated there are two applications on the agenda tonight, the Muslim Cultural Center at 52 E. Johnson Avenue and 106 Cameron Rd.

Ron Filera, resident of 92 Somers Avenue, stated his application was supposed to be on the agenda tonight, but was taken off due to paperwork. He had applied for a variance 50 years ago for a 16x32 in-ground pool, surrounded by concrete pavement. The concrete is worn out and he pulled the pool liner since it is worn out. He will be getting a new fence, new steps, and put pavers around the pool. He explained he had applied for permits and was approved. There was no mention of lot coverage. The job was started. He demolished his backyard, taking out the concrete and the back porch. He hired a pool company to replace the pool walls. When he submitted the paperwork to repair the pool walls, he was denied by the zoning officer as it was considered to be a new build. Mr. Filera stated he had reviewed all the borough ordinances and variances approved by the Board for pools over the past three years and didn't see anything. He inquired where it's written that the pool is a new build if he takes out the walls. If that is the case, he would like to withdraw his variance application, leave the walls and just repair. He's been told he can't go back to the original plan, which was already approved. Mr. Filera stated he had done it the right way. His whole yard is now an eyesore and requested guidance from the Board on how to proceed.

Board member Smith stated per code, anything taken down, building, shed, etc., is considered to be new. Mr. Smith suggested if the wall can just be repaired, he should be able to go with the old plan. He would not need a variance then. It's just repair work being done.

Mr. Filera stated Mr. Ravenda will not allow him to go back to the original plan, where the wall will just be reinforced and fixed. The concrete is all out, but the walls of the pool are still intact. He'll go with pervious pavers, if needed and that will improve the drainage.

Board attorney Oh recommended the zoning official should be spoken with. The resident has applied for a variance. However, his application was incomplete.

Mr. John Szabo, planner from Burgis Associates, inquired if an appeal was filed to appeal the decision of the zoning officer. The Board doesn't have any jurisdiction until there is a determination. The proper mechanism is an appeal.

Mr. Filera's response was no. His pool company has been handling all of the paperwork. He needs to get an engineer to do a grading plan.

Mr. Smith stated, according to the applicant, all he's doing is repairing the wall.

Ms. Oh stated she will speak with the zoning official regarding this matter and there should not be any further discussion today.

Chairman Cabrera stated they will take the action to speak to the zoning officer, and either he or the board attorney will contact Mr. Filera.

OLD BUSINESS

None.

NEW BUSINESS

Applications: Adi & Shai Berman
106 Cameron Rd
Addition and Alteration

Board attorney Oh stated the property borders New Milford and only three property owners in New Milford have been noticed. There are more.

Mark Madaio, 29 Legion Drive, Bergenfield, NJ, applicant's attorney, stated they requested the tax list from New Milford and noticed everyone on the tax list received. The circle in the drawing doesn't show the properties in New Milford at all. He's only obligated to notice the properties that are provided on the 200' list.

Board member Smith stated the drawing shows 11-12 homes in New Milford that are within 200' of the property. They don't want to have any issues with property owners that should have been notified.

Chairman Cabrera stated, unless there's an objection, he was fine with continuing.

Ms. Oh stated Mr. Madaio presented the 200' tax list and notified the property owners within 200' in both Bergenfield and New Milford.

Mr. Madaio stated they are before the board for an expansion and the variances they are seeking is minimal. The lot is slightly narrow that can not be changed, but is oversized. It's over 8,000 sq. ft. that is undersized as to width. It creates useless backyard space. The lot is 49 ft. wide, where 60 ft. wide is required, which is an existing non-conformity. The other deviation is that the house goes straight back. The left side of the house is 4.7 ft. from the property line and will continue to be 4.7 ft. from the property line. The addition to the rear will be 4.7 ft. from the property line. The deviation is not a new variance and is considered an extension of a non-conforming structure.

Ms. Dirmann stated the board engineer's letter dated 7/28/25 refers to the architectural plan dated 5/21/25, last revised 6/2/25. She requested if the architect can briefly discuss the changes made.

Mr. Madaio stated that must be a typo.

Lanny Lerner, licensed architect from LR Lerner Architecture PC, One Wolf's Lane, Pelham, NY, stated they were minimal changes and nothing of significance. The existing home, 1 ½ stories, is too small for the growing family and intent to expand it. The back is a two-story addition and the front is two-story also. There is an additional one-story addition that is a breakfast room in the back of the home. There are no setback variances required since the lot is extremely deep. The front yard setback will not be changed. Mr. Lerner stated the only dimensional deviation is that the house is currently 4.7 ft. from the property line and won't be changed. The same setback will be projected to the rear. There are two different roofs to consider as opposed to one. They wanted to have one expansion.

Chairman Cabrera stated the reason the expansion can't be pushed back is because there would be two roofs.

Mr. Lerner confirmed that was correct.

Board engineer Dirmann inquired if all existing construction will be demolished down to the top of the foundation walls.

Mr. Madaio stated the walls will be removed, but the foundation won't change.

Chairman Cabrera stated that's a new house to him, not a modification of an existing house.

Mr. Lerner stated they are keeping the foundation and the structure that supports it.

Board member Smith stated item #16 on the applications asks if there are any buildings that will be demolished and the response was yes. Mr. Smith stated he agreed with the board chairman. He stated if there's going to be a new building on top of the foundation, that's new construction.

Board engineer Dirmann inquired about the two roofs.

Mr. Lerner stated if they were to set it back, it would require a different type of roofing.

Mr. Madaio stated the house is coming down to the foundation. The entire foundation will be there.

Mr. Szabo stated the Bergenfield code will define whether it's an expansion or a new construction. He will look it up.

Mr. Madaio stated the existing coverage is 43.1% and they are proposing 34.1%, where 35% is required. There will be some credits taken for the pervious pavers. Mr. Madaio read from the engineer's review letter that due to 50% credit for paver coverage, the calculation leads to a lot coverage of 37.26%, which is greater than 35% by 2%. It is still a reduction. Currently, existing is 3,016 sq. ft. of coverage and proposed is 3,007 sq. ft. A variance is still required, but it's for a reduction in improved lot coverage. MR. Madaio stated the board engineer found that calculating only 10% reduction for the pavers that the actual improved lot coverage is less than existing.

Mr. Smith stated there is an exercise room with a closet in the basement that can be made into a bedroom. If it becomes a bedroom, an additional parking space would be required. There's a parking situation in town and board members have previously stated residents don't use their garages. He inquired why there is an egress window.

Mr. Madaio stated the closet will be removed.

Chairman Cabrera inquired about how many parking spaces there are currently. There is an 18 ft. wide driveway and a garage that will house one vehicle.

Ms. Dirmann stated a parking space needs to be 9x18 in Bergenfield. Two cars can be parked in the driveway next to each other and one in the garage.

Mr. Smith stated there was an ordinance adopted in which the municipality can increase parking spaces for homes having more than five bedrooms. He inquired where the kids are going to park their cars when they come of age. DPW and residents can't get down the streets. There also aren't any sidewalks on Cameron Rd. People walk in the middle of the street because there are cars parked on the street. Mr. Smith stated should the application be approved, it should a condition in the resolution, that the room in the basement will never become a bedroom.

Mr. Madaio stated the RSIS for five bedrooms is three parking spaces. His client agreed to remove the closet.

Chairman Cabrera stated his intent is to use what is there fairly.

A recess was taken at 8:52 pm. The meeting was resumed at 9:00 pm.

Mr. Madaio stated the first floor walls and the foundation of the existing house will remain the same.

Chairman Cabrera stated there is no borough ordinance, but the state ordinance states if you go down to the foundation, you are building a new building.

Mr. Smith inquired if a new set of plans are needed if the walls are going to remain and if everything needs to be recalculated.

Board member Bergman inquired if the interior first floor changes in any way with leaving up the existing first floor walls.

Mr. Madaio stated no. Nothing is changing. It doesn't create setbacks or coverage.

Mr. Smith inquired what will be holding the walls once the roof is removed. Mr. Smith inquired about the seepage pit.

Mr. Madaio stated the contractor will figure out how the walls will stay up. It's included in the plans. They were reviewed by the engineer and he did not have any issues and not asked to upsize. The coverage deviation is for less than currently exists, even applying the engineer's 10% factor to the pervious pavers. The impervious coverage will be reduced. The parking complies with RSIS. The only deviation is the wall will project straight back at 4.7 ft. as most of the operational areas of the house are in the addition. The kitchen and dining room on the first floor are in the new addition, as well as a portion of the family room.

Mr. Lerner stated the existing first floor walls can be braced and used again.

Chairman Cabrera stated the existing is 4.7 ft. and the first floor walls will be kept intact. He views it as being grandfathered in.

Board member Bergman stated his concern is having the setback from the house to the side yard at 7.5 ft., and 7.7 ft. at one area. He explained there was a homeowner that removed steps from the side of their house because of the side yard variance. He inquired what the side yard is from the end of the top landing of the step towards the side yard. It's not 7.7 ft.

Mr. Lerner stated it would be 3 ft.

Mr. Madaio stated the challenge is that the lot is deficient in width.

Mr. Smith stated there already is a non-conformity of 4.7 ft. Lots that are non-conforming can not be increased or decreased.

Mr. Madaio stated it's not a non-conforming lot. A non-conforming lot is as is to lot area, not as to an existing variance. They are not increasing anything, just maintaining the exact same thing straight back.

Mr. Bergman inquired if there will be a cover over the egress window. If there was a fire, there is no way someone would be able to squeeze through the egress window. A lot of space will be lost. The functionality of it might reduce the side yard. Mr. Bergman stated it can be moved to the back.

Mr. Madaio stated it will have fall protection. No one called out the steps and the egress window as a variance. Mr. Madaio stated they will take out the egress window.

Ms. Dirmann inquired if the stairs are existing. She stated you appear to be closer to the right side.

Mr. Madaio stated they are not there. Mr. Madaio stated he doesn't know if any trees will be removed. If a tree is to be removed, it will be done through the appropriate application and will be replanted.

Board member Morel stated both side yards require a variance since it is 4.7 ft. on both sides.

Questions from Residents:

No one came forward.

Motion to Approve Application with Conditions of Both Side Yard Variances Required, Removal of Egress Window, and Keeping Existing Structure

Motion By: Board member Bergman

Second By: Board member Morel

4 ayes. 2 nays.

Ron Filera
92 Somers Avenue
Inground Pool

Application carried to September meeting with no further notice necessary.

Muslim Cultural Center of Bergen County, Inc.
52 E. Johnson Avenue
Addition to Existing House of Worship

Mark Madaio, 29 Legion Drive, Bergenfield, NJ, applicant's attorney, stated the application is regarding the House of Worship, the Muslim Cultural Center of Bergen County. It originally was Camp Merritt and in 1918 it was subdivided and became a House of Worship. The corner lot predates every zoning law ever had. It's a pre-existing, non-conforming, inherently beneficial as defined by statute. Mr. Madaio explained it's a permitted conditional use as it's permitted on lots over 15,000 sq. ft. The property is only 11,000 sq. ft. The House of Worship is seeking to expand into the adjoining lot. The height deviates greater than 10% due to the addition, being a D5 variance. There are other bulk variances needed. Mr. Madaio stated there is no parking. There wasn't any parking and there wasn't any parking when it was several other churches over the years. Mr. Madaio stated he had written to the board counsel a memo regarding some of the federal law that applies to this application. Local zone can not be applied in a way that negatively impacts the right for people to worship. RLUIPA, the Religious Land Use and Institutionalized Persons Act, is a US federal law that states religious institutions can not be denied, except for the most compelling reasons, being safety. Mr. Madaio explained you must look for the least possible restrictive conditions in order to alleviate what the concerns may be. He stated they will try their best to show why parking is accommodable. He presented the board members an exhibit with some historical background of various religious churches that occupied the property and two previous resolutions regarding this location.

Anwar Alkhatib, licensed project architect from AK Architecture, 151 West Passaic Street, Rochelle Park, NJ, stated they will be changing the siding of the existing building to a combination of brick and stucco to match the new addition. The footprint of the existing building is about 1,627 sq. ft. and the footprint of the new addition will be 3,416 sq. ft. The total area of the existing building is 4,805 sq. ft. and the total size of both lots combined will be 11, 522 sq. ft. There is a setback of 16.1 ft. for the addition. Mr. Alkhatib stated there will use landscaping as a buffer at the building by the property lines. There will be a shed for trash containers at the north side of the property. There will be pavers on E. Johnson Avenue connecting the existing building to the addition. The garbage should be rolled out to the street. The proposed basement to the addition will have a multi-purpose room for different activities that has a capacity of up to 150 people. There are two egresses, stair A and stair B, along with an elevator. In the rear portion of the basement will be the imam's bedroom with a bathroom and extra storage. The grade of the existing basement will match the grade of the proposed addition. It has to match for accessibility reasons. The elevator will serve both buildings. The elevator is 7ft. x 4 ft. and is in compliance with the code.

Board member Morel inquired if there will be an egress point.

Mr. Alkhatib stated there is a staircase next to the bedroom and the building will be sprinklered. The first floor proposed plan of the addition will have the main entrance from E. Johnson Avenue. The current entrance of the existing building is currently not accessible. The new addition will have the possibility of connecting to the existing building. The existing portion of the building has the main prayer room for the men that has a capacity for 64 occupants. The new addition will have the entry foyer. The elevator will go up to the first level, which is ½ a floor and can be reached by the existing building. The elevator will lead to the existing first floor level. There is also staircase A, which is a couple of steps, that will lead to that same level. The first floor of the new addition will be in sync with the first floor of the existing building. The first floor of the new addition will be the prayer room for the men, which is 1,030 sq. ft. There is a foyer in the back portion along with bathrooms. There will be doors connecting the old prayer area with the new prayer area. There can be 103 occupants in the new prayer area, for a total of 170-180 occupants using the first floor for prayer.

Mr. Madaio stated the building will be fully sprinklered. The existing building, where the women pray, is 806 sq. ft. There is a separation of the sexes during prayer. The 806 sq. ft. does not work. Mr. Madaio stated the first floor has now gone to 1,030 sq. ft. There is a foyer, bathrooms, and the first floor lobby is behind the elevator.

Chairman Cabrera inquired how someone in a wheelchair will be able to enter the building.

Mr. Alkhatib stated the main entrance of the new addition is level with the sidewalk. The roof will be pitched. The pitch of the existing roof will be changed.

Mr. Madaio stated they will bring the building to ADA compliance.

Board member Morel stated the plan doesn't show an accurate depiction of the current roof.

Mr. Madaio stated the second floor of the old House of Worship is opened up.

Mr. Alkhatib stated there are no changes to the existing second floor rear portion of the building. The only change will be to adjust the pitch line of the roof to be consistent with the roof of the addition. The spires will not be touched. The second floor of the addition will be a prayer room for women, that is accessible by elevator and the two staircases. There will be a multi-purpose room connected to the play area along

with a lobby that will create a connection between the play area and the existing bathrooms of the existing building. The intent of the kitchen is for warming food and snacks. The existing second floor mezzanine does not cross into the new building. The kitchen is not designed for food preparation.

Mr. Madaio stated the existing structure has a kitchen, but it's not a food prep kitchen.

Ms. Dirmann inquired if there is an HVAC proposed. She inquired where will the condenser units be.

Mr. Alkhatib stated there will be central air conditioning. It would be within the rear yard near the garbage area. They will provide all required buffering. He stated inside, it will be in the mechanical room in the basement.

Chairman Cabrera stated the drawings should be amended to show the condensers.

Ms. Dirmann stated the setbacks on the architectural plan do not match the engineering plan. The front yard is a variance. She stated on the architectural plan it shows 14.7 ft. and is different on the engineering plan. There seems to be a discrepancy in the setbacks. She requested the condenser to be both on the architectural and engineering plans and both plans should match.

Questions from Residents:

Ms. Krell, N. Taylor Street resident, stated the imam is a gentleman and a good neighbor. She inquired what is the current occupancy limit and the proposed occupancy limit. She inquired if there will be a third floor.

Mr. Madaio stated he doesn't know of any occupancy limit. There are some assigned numbers they can provide.

Mr. Alkhatib stated the existing basement has 806 sq. ft. in which 60 people could be in the prayer area. The multi-purpose room can fit up to 150 people of the addition. There currently is 638 sq. ft. of prayer area on the first floor that can fit up to 64 occupants. The addition will be able to fit up to 103 occupants, with a total of 170-180 occupants on the first floor. The second floor currently does not have a prayer area. They are proposing to add 1,002 sq. ft. that can accommodate 100 occupants. The total addition will be able to accommodate 300-320 additional occupants. There isn't going to be a third floor, the building will be just two floors.

Mr. Madaio stated claiming that emergency vehicles can't get through commonly arises in R-LUIPA cases. Every town says something about that. There are federal cases that have less restrictive means to ensure emergency vehicles can pass, i.e. alternate street parking or parking on one side of the street only.

Mary Sullivan, Bergenfield resident, inquired how the proposal will affect water runoff, what the sewer capacity is, and about snow removal.

Chairman Cabrera stated those are questions for the engineer to answer.

Jim Guillen, resident from N. Taylor Street, inquired if there will be a playground. The children play on the street. He inquired if there will be trash cans placed outside. People who attend leave their garbage on the neighbor's properties.

Mr. Alkhatib stated there isn't a playground proposed. They can discuss placing trash cans around the property.

Board member Morel requested the engineer clarify the number of occupants that can be allowed in the building as different numbers were mentioned.

Chairman Cabrera stated the number of occupants is a safety concern.

The application will be carried to the September 8, 2025 meeting with no further notice necessary.

MOTION TO ADJOURN MEETING

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

Meeting was adjourned at 10:35 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk
Zoning Board of Adjustment